

Message Text

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FM SECSTATE WASHDC

TO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: PORG, WTO

SUBJECT: WTO - ARTICLE 42 AND ELIGIBILITY FOR COUNCIL
ELECTIONS

REFS: A. GENEVA 6771

B. GENEVA 6969

C. GENEVA 7089

D. GENEVA 7114

1. OUR INTERPRETATION OF STATUTES WITH RESPECT TO ELIGIBILITY OF ARTICLE 42 MEMBERS TO STAND FOR ELECTION TO COUNCIL AT FIRST WTO ASSEMBLY SET OUT IN SEPTEL. MISSION MAY DRAW ON THIS AND FOLLOWING IN FURTHER DISCUSSIONS WITH SYG LONATI ON THIS POINT.

2. IF LONATI INQUIRES AT PANAMA CITY ABOUT U.S. INTENTIONS REGARDING ARTICLE 42 (REF D), WE PLAN TO INFORM HIM (A) THAT WE HAVE CONCLUDED FROM STATUTES AND CONSULTATIONS
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THAT FILING OF DECLARATION WOULD MAKE U.S. ELIGIBLE TO

PARTICIPATE AS FULL MEMBER DURING PERIOD UP TO NOVEMBER 1, 1975, AND (B) THAT WE WILL TAKE THAT DECISION PRIOR TO FIRST ASSEMBLY AND IN LIGHT OF FURTHER DEVELOPMENTS LEADING UP TO FIRST ASSEMBLY.

3. WE WILL TAKE OCCASION TO DRAW LONATI OUT ON QUESTION OF ELIGIBILITY OF ARTICLE 42 MEMBERS FOR ELECTION TO COUN-

CIL, AND WILL MAKE CLEAR TO HIM OUR POSITION THAT (A) ARTICLE 42 MEMBERS EXPLICITLY ELIGIBLE FOR ELECTION TO COUNCIL UNDER "RIGHTS AND OBLIGATIONS OF FULL MEMBER" PROVISION OF ARTICLE 42, WHICH IS NOT MODIFIED ELSEWHERE IN STATUTES, AND (B) U.S. WILL BE CANDIDATE FOR ELECTION IF IT PARTICIPATES IN FIRST ASSEMBLY AS ARTICLE 42 MEMBER.

4. WE PLAN TO CAUTION LONATI IN THIS CONNECTION, THAT FOR WELL KNOWN REASONS, NUMBER OF IMPORTANT PROSPECTIVE MEMBERS OF WTO LIKELY TO BEGIN THEIR PARTICIPATION IN WTO UNDER PROVISIONS OF ARTICLE 42, WILL LIKELY BE CANDIDATES FOR ELECTION TO COUNCIL, AND WILL EXPECT TO EXERCISE FULL RIGHTS THEY ACQUIRE UNDER ARTICLE 42 IN THIS RESPECT. WE WILL ADVISE LONATI THAT, WHATEVER PRACTICAL CONSIDERATIONS MAY UNDERLIE HIS CONCERN ON THIS POINT, GRATUITOUSLY AND UNWISELY HE IS SHAPING UP HIGHLY DIVISIVE ISSUE BOUND TO COMPLICATE TRANSITION INTO WTO, AND THAT WE REGARD RULING HE APPEARS TO CONTEMPLATE AS ONE WHICH WOULD VIOLATE, NOT FLOW FROM, STATUTES. INGERSOLL

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